

REMARKS

Reissue Applications

Applicant's oath/ declaration identifies at least one error which is relied upon to support the reissue application according to 37 CFR 1.175(a) and MPEP§1414. Applicant's oath/ declaration further contains a statement that all errors which are being corrected in the reissue application arose without any deceptive intention on the part of the applicant. Applicant submits herewith a copy of the originally filed oath/ declaration.

Applicant respectfully requests that any requirement for the original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent be held in abeyance until allowable subject matter is indicated and the application is ready for allowance.

Drawings

Applicant has submitted a new set of formal drawings, including 10 sheets, which is believed to comply with the requirements set forth in 37 CFR 1.84.

Claim Rejections- 35 USC §102

Claims 3, 4, 8, 10, 13, 14, and 26-29 were rejected as being anticipated by Easley et al.

Applicant has amended Claims 3, 26, and 27 to include a hand gripping element whereby a user's hands are positioned approximately at or below the user's abdominal area while holding the hand gripping element. Support for this amendment can be found in the Specification at column 2, line 64 through column 3, line 20, and in the Drawing Figures 2 through 4, and 6 through 8.

The hand gripping element of Easley is located near the user's head area, such that the user's arms are bent upwards while exercising. The hand gripping element of the present invention is located at or near the user's abdominal area, such that the user's arms are oriented downwards. This provides the user with better balance and body alignment during exercise. Claims 4, 8, 10, 13, 14, 28, and 29 directly or indirectly depend from Claims 3, 26, and 27, and thus incorporate the added limitations. Accordingly, Claims 3, 4, 8, 10, 13, 14, and 26-29, are neither anticipated by, nor obvious in view of Easley.

Claim Rejections- 35 USC §103

Please note that the U.S. patent numbers were not provided for the references "Gvoich" and "Chen," which were newly cited by the examiner in this office action. Since there are a large number of patents relating to exercise equipment with inventors named Gvoich and Chen, applicant was unable to determine which patents the examiner intended to cite. Applicant reserves the right to amend this response without prejudice upon receiving complete information regarding the cited references.

The examiner has rejected Claims 5, 7, 9, 17, and 21-25 as being unpatentable over Easley in view of Cheng.

Since Claims 5, 7, and 9 are directly dependant on Claim 3, they incorporate the limitation of including a hand gripping element, and of the user's hands positioned at or below the user's abdominal area according to the amendment of Claim 3. Although Cheng includes handlebars (13), these handlebars function differently from the hand gripping element of the present invention. Since the apparatus of Cheng includes foot pedals (4) for peddling by the legs, rather than a fixed footboard (See Abstract of Cheng), the handlebars of Cheng would provide the user with support which is different from the support provided by the hand gripping element of the present invention. To further clarify this point, Claim 3 has also been amended to provided that the footboard is fixably coupled to the base frame. Support for this amendment can be found in the specification at column 2 lines 31-43, and in Figures 2-4, and 6-10. Thus, Claims 5, 7, and 9 are believed to overcome therejection of Easley in view of Cheng.

Claim 17 has similarly been amended to provide for a hand gripping element which is held approximately at or below the user's abdominal area. Support for this amendment can be found in the Specification at column 2, line 64 through column 3, line 20, and in the Drawing Figures 2 through 4, and 6 through 8. Claim 17 also provides that the surface for supporting the user's feet is fixed. Thus, Claim 17 is believed to overcome the rejection of Easley in view of Cheng for the reasons stated above.

Claims 21 and 23 were similarly amended to provide that the user's hands are positioned approximately at or below the user's abdominal area during exercise. Support for this amendment can be found in the Specification at column 2, line 64 through column 3, line 20, and in the Drawing Figures 2 through 4, and 6 through 8. Claims 21 and 23 further provide that the surface for receiving the user's feet or footboard is fixed. Thus, Claims 21 and 23 are believed to overcome the rejection of Easley in view of Cheng for the reasons stated above. Claims 22, 24, and 25 are directly dependent on either Claim 21 or 23, and thus are also believed to overcome the rejection.

Claims 11 and 12 were rejected as being unpatentable over Easley in view of Gvoich. Applicant was unable to identify the Gvoich reference as mentioned above. However, since Claims 11 and 12 are directly dependant on Claim 3, they incorporate the limitation of including a hand gripping element and having the user's hands positioned approximately at or below the user's abdominal area, according to the amendment of Claim 3. It is believed that Claims 11 and 12 may now overcome the rejection. Applicant reserves the right to amend this response without prejudice upon receiving complete information regarding the Gvoich reference.

Claims 6 and 15 were rejected as being unpatentable over Easley in view of McBride. Since Claims 6 and 15 depend either directly or indirectly from Claim 3, they incorporate the limitation of including a hand gripping element, and of the user's hands positioned at or below the user's abdominal area according to the amendment of Claim

3. Furthermore, McBride does not disclose a hand gripping element. Thus, Claims 6 and 15 are believed to overcome the rejection.

Claim 16 was rejected as being unpatentable over Easley in view of Chen. As applicant was unable to identify the Chen reference, a response at this point would likely be premature. Applicant reserves the right to provide a response upon further information regarding the Chen reference.

New Claim 41, which is dependant on Claim 3 further defines the hand gripping element as comprising a rod perpendicular to the base frame which moves according to the pivotal motion. Support for Claim 41 can be found in the Specification at column 2, line 64 through column 3, line 20, and in the Drawing Figures 2 through 4, and 6 through 8.

In view of the foregoing, favorable reconsideration of this application, as amended, is respectfully requested.

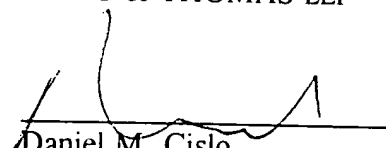
If a telephone interview will advance the allowance of the application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicant requests the Examiner contact Applicant's representative at the number listed below.

It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicant's attorney's deposit account no. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: July 12, 2002


Daniel M. Cislo
Reg. No. 32,973

Enclosure

Marked-up Claims
Drawings
Copy of Originally Filed Oath/ Declaration

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I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed to:

BOX NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, D.C. 20231

on 7-12-02
7-12-02
Daniel M. Cislo, Reg. No. 32,973 Date

\\ntserver\archive\TMDocs\01-9676\Response to Office Action.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of:

KUO, Johnson

Serial Number: 09/884,300

Examiner: Stephen R. Crow

Filed: 6/18/01

Art Unit: 332

For: **FOLDING COLLAPSIBLE EXERCISING APPARATUS**

Assistant Commissioner for Patents
Washington, D.C. 20231
BOX NON-FEE AMENDMENT

**MARKED-UP CLAIMS TO CONCURRENTLY-FILED
AMENDMENT AND RESPONSE**

Sir:

Responsive to the Office Action dated 4/12/2002, and according to 37 C.F.R. § 1.121(c), Applicant submits amended claims to the concurrently-filed amendment and response, with the changes marked in a distinct and recognizable fashion.

Claim 28 has been cancelled.

Claims 3, 17, 21, 23, 26 and 27 have been amended as follows:

3. (Amended) An exercising apparatus comprising:

a base frame having first and second ends;

a footboard fixably coupled to the base frame, approximately at said second end;

a back support having a bottom end pivotally and directly coupled to the base frame approximately at said first end of said base frame;

a hand gripping element; and

a back mattress mounted on said back support opposite the bottom end of said back support;

whereby a user of the apparatus positioned with his back pressed against the back mattress, hands holding said hand gripping element and positioned approximately at or below the user's abdominal area, and feet rested on the footboard unit can push his legs to force a pivotal motion of the back support.

17. (Amended) An exercising apparatus comprising:

a fixed surface for supporting a user's feet; [and]

a pivoting surface for supporting a user's back; and

a hand-gripping element for gripping by the user;

the fixed and pivoting surfaces and hand gripping element connected such that a user of the apparatus positioned with his back pressed against the pivoting surface, feet rested against the fixed surface, [and knees bent at an angle greater than 90°] can push against the fixed surface to force a pivotal motion of the pivoting surface, while holding the hand gripping element approximately at or below said user's abdominal area.

21. (Amended) A method of exercise comprising:

providing an exercise apparatus with a fixed surface for receiving a user's feet and a pivoting surface for receiving the user's back;

repeatedly moving the pivoting surface between first and second positions utilizing mainly the user's lower body muscles,

wherein in said first position, the user presses at least one foot against the fixed surface to cause the pivoting surface to turn, placing the user in said second position,

wherein said user's respective knee is bent at a first angle [greater than 90°] in said first position, and extended to a second angle, greater than said first angle in said second position, and

wherein said user's hands are positioned approximately at or below said user's abdominal area in said first and second positions.

23. (Amended) An exercising apparatus comprising:

a base frame having first and second ends,

wherein the first and second ends of the base frame are slidably connected to one another for adjusting the length of said base frame, said base frame further having a transverse bar perpendicularly connected to at least one end of said base frame, whereby the apparatus is freestanding;

a footboard fixably coupled to the base frame, at said second end;

a back support having a bottom end pivotally and directly coupled to said base frame at said first end of said base frame;

a back mattress mounted on said back support opposite said bottom end of said back support, said mattress comprising:

a mattress body; and

a mounting bar longitudinally disposed at a backside of said mattress body and coupled to said back support;

two handgrips perpendicularly extended from the mounting bar of said back mattress at two opposite sides; and

a seat mounted to the apparatus for facilitating the user in positioning his back against the back support;

whereby a user of the apparatus positioned with his back pressed against the back mattress, hands holding said two handgrips and positioned approximately at or below said user's abdominal area, and feet rested on the footboard unit can push his legs to force a pivotal motion of the back support.

26. (Amended) An exercising apparatus comprising:

a base element comprising means for supporting said apparatus wherein said apparatus is freestanding;

a back supporting element comprising means for pivotally securing said back supporting element at one end of said base element, whereby said back supporting element is pivotally moveable with respect to said base element;

a foot supporting element comprising means for fixably securing said foot supporting element to said base element at an end opposite said back supporting element;

a hand gripping element; and

a seat element comprising means for securing said seat element beneath said back supporting element, said seat element facilitating a user of the apparatus in positioning his back against said back supporting element; whereby

the user positioned with his back pressed against said back supporting element, hands holding said hand gripping element and positioned approximately at or below the user's abdominal area, and feet rested on said foot supporting element can push his legs to force a pivotal motion of said back supporting element.

27. (Amended) An exercising apparatus comprising:

base supporting means including means for supporting the apparatus wherein the apparatus is freestanding;

back supporting means comprising means for pivotally securing said back supporting means at one end of said base supporting means, whereby said back supporting means is pivotally moveable with respect to said base supporting means;

foot supporting means comprising means for securing said foot supporting means to said base supporting means at an end opposite said back supporting means;

hand gripping means including means for securing said hand gripping means to said apparatus; and

seating means including means for securing said seating means beneath said back supporting means, said seating means facilitating a user of the apparatus in positioning his back against said back supporting means; whereby

the user positioned with his back pressed against said back supporting means, hands holding said hand gripping means and positioned approximately at or below the user's abdominal area, and feet rested on said foot supporting means can push his legs to force a pivotal motion of said back supporting means.

~~Having~~ responded to each of the Examiner's concerns, favorable reconsideration of this application, as amended, is respectfully requested.

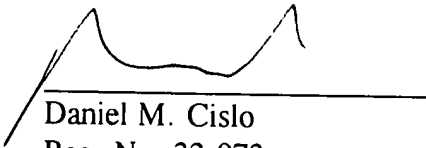
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Respectfully submitted,

CISLO & THOMAS LLP

Date: July ^{2^h} __, 2002


Daniel M. Cislo
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Enclosure

Amendment Response

Drawings

Copy of Originally Filed Oath/ Declaration

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